



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David Nicholas, et al.

EXAMINER: Sarah K Webb

SERIAL NO.: 10/037,977

ART UNIT: 3731

FILED: November 9, 2001

DOCKET: 1273CPCONFWCCON3
(203-589 CIP CON FWC CON III)

**FOR: ARTICULATING ENDOSCOPIC
SURGICAL APPARATUS**

DATED: August 26, 2004

Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

United States Surgical Corporation, assignee of the entire right, title and interest in and to the above-referenced patent application hereby disclaims the term of any patent issued in this case which would otherwise extend past the expiration date of United States Patent No. 5,383,888 issued on January 24, 1995, and agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent No. 5,383,888, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 5,383,888 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclosed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

09/03/2004 FFANAEIA 00000043 210550 10037977
01 FC:1814 110.00 DA

The undersigned, an attorney of record in this application, is empowered to act on behalf of the assignee pursuant to 37 C.F.R. 1.321.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 8 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Please charge the sum of \$110.00 pursuant to 37 C.F.R. 1.20(d) for filing this Terminal Disclaimer. Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2140. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED

Date: August 26, 2004
United States Surgical, a division of
Tyco Healthcare Group LP
150 Glover Avenue
Norwalk, CT 06856
Telephone: (203) 845-1941
Fax: (203) 845-4266

By:



Lisa J. Moyles
Attorney for Applicant
Reg. No. 40,737